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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,296	11/03/2000	Sampath Srinivas	DANAP004	6716
22434	7590	08/18/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			LAZARO, DAVID R	
		ART UNIT	PAPER NUMBER	
		2155		

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/706,296	SRINIVAS ET AL.
	Examiner	Art Unit
	David Lazaro	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07/09/2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11, 17-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11, 17-20 and 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. This Office Action is in response to the amendment filed 05/27/2004.
2. Claims 1, 5-7, 17 and 19 were amended.
3. Claims 12-16 and 21 were canceled.
4. Claim 22 was added.
5. Claims 1-11, 17-20 and 22 are pending in this Office Action.
6. The Objection to Claim 17 is withdrawn.
7. Request for Withdrawal of Attorney or Agent received 07/09/2004.

Claim Objections

8. Claims 1 and 19 objected to because of the following informalities: The use of "remote server" is in contrast to the applicants' specification and makes the claim limitation unclear. Specifically, the specification describes an "intermediate server" as receiving the webpage from a "remote server" with the "intermediate server" delivering the page to the client (See pages 6-7). As such, the intended meaning of the "remote server" in the claim can be unclear as to if it is the original content providing server or the intermediate server between the client and the original content providing server. The Examiner suggests changing "remote server" to either "server" or "intermediate server". Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
10. Claims 1-4, 8-11 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,266,681 by Guthrie (Guthrie).
11. With respect to Claim 1, Guthrie teaches a method for inserting a toolbar into a webpage (Col. 3 lines 30-42) comprising: receiving a webpage at a remote server (Col. 5 lines 17-22 and Col. 7 lines 44-51) to be delivered to a client (Col. 3 lines 30-36); inserting an executable script (Col. 11 lines 31-53) into the webpage operable to render a toolbar when executed by a client browser (Col. 3 lines 30-41 and Col. 5 lines 45-58), the toolbar including at least one link to a resource (Col. 5 lines 45-58); and delivering the webpage including the executable script to the client (Col. 3 lines 30-41 and Col. 11 lines 31-53).
12. With respect to Claim 2, Guthrie teaches all the limitations of Claim 1 and further teaches the at least one link is a graphical link (Col. 5 lines 45-58).
13. With respect to Claim 3, Guthrie teaches all the limitations of Claim 1 and further teaches wherein the executable script is an activation script (Col. 11 lines 32-45).
14. With respect to Claim 4, Guthrie teaches all the limitations of Claim 3 and further teaches the activation script determines whether the toolbar is displayed in the webpage when the webpage is displayed at the client machine (Col. 15 lines 52-57).

15. With respect to Claim 8, Guthrie teaches all the limitations of Claim 1 and further teaches the toolbar is a HTML toolbar (Col. 5 lines 4-12), and wherein the executable script is provided in a script programming language (Col. 11 lines 32-45).

16. With respect to Claim 9, Guthrie teaches all the limitations of Claim 1 and further teaches the resource is a remote third party resource (Col. 5 lines 45-58).

17. With respect to Claim 10, Guthrie teaches all the limitations of Claim 1 and further teaches the toolbar includes a plurality of links to different resources (Col. 5 lines 45-58).

18. With respect to Claim 11, Guthrie teaches all the limitations of Claim 1 and further teaches said method further comprising: executing the executable script on the client machine to determine whether the toolbar should be displayed when displaying the webpage on the client machine (Col. 15 lines 38-57).

19. With respect to Claim 19, Guthrie teaches a computer readable medium including at least computer program code for inserting a toolbar into a webpage at a server (Col. 3 lines 30-40), said computer readable medium comprising: computer program code for receiving a webpage at a remote server (Col. 5 lines 17-22 and Col. 7 lines 44-51) to be delivered to a client (Col. 3 lines 30-41); computer program code for inserting an executable script into the webpage (Col. 11 lines 31-53) operable to render a toolbar when executed by a client browser (Col. 3 lines 30-36 and Col. 5 lines 45-58), the toolbar including at least one link to a resource (Col. 5 lines 45-58) ; and computer program code for delivering the webpage including the executable script to the client (Col. 3 lines 30-41).

20. With respect to Claim 20, Guthrie teaches all the limitations of Claim 19 and further teaches the executable script determines whether the toolbar is displayed in the webpage when the webpage is displayed at the client machine (Col. 15 lines 38-57).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie in view of U.S. Patent 6,230,171 by Pacifici et al. (Pacifici).

23. With respect to Claim 5, Guthrie teaches all the limitations of Claim 3 and further teaches a webpage may have more than one frame (Col. 5 lines 41-45) and that an instance of an activation script may be inserted into a frame (Col. 3 lines 51-62) with the script operable to render the toolbar into that frame (Col. 6 lines 41-49 and Col. 5 lines 45-58). The toolbar can be considered an HTML component (Col. 3 lines 30-41). Guthrie also states that one skilled in the art would recognize variations to the code inserted based on the parameters of the HTML document (Col. 11 lines 25-32). Guthrie does not explicitly disclose an instance of the activation script being inserted into each frame of a webpage with more than one frame. Pacifici teaches the use of a script (Col. 4 lines 27-35) that is inserted into each frame of a webpage that has more than one

frame (Col. 5 lines 22-25). This script is operable to render HTML components into that frame (Col. 2 lines 59-67 and Col. 5 lines 22-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Guthrie and modify it as indicated by Pacifici such that an instance of the activation script is inserted into each frame of the webpage at the remote server, the activation script operable to render the toolbar into each frame of the webpage. One would be motivated to have this as there is need for a user to be able to incorporate add-on components in a webpage including webpages with multiple frames (Col. 3 lines 1-29 of Guthrie).

24. With respect to Claim 6, Guthrie in view of Pacifici teaches all the limitations of Claim 5 and further teaches for each instance of the activation script (Col. 5 lines 22-25 of Pacifici), the activation script determines whether the toolbar is displayed in an associated frame of the webpage when the webpage is displayed by the client (Col. 15 lines 45-47 of Guthrie).

25. Claims 17, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie in view of U.S. Patent 6,300,947 by Kanevsky (Kanevsky) and U.S. Patent 6,701,368 by Chennapragada et al. (Chennapragada).

26. With respect to Claim 17, Guthrie teaches a computer readable medium including at least computer program code for determining whether a toolbar should be displayed in one or more frames of a webpage, said computer readable medium comprising: computer program code for determining whether an activation script (Col.

11 lines 31-53) for rendering a toolbar (Col. 3 lines 30-41 and Col. 5 lines 45-58) is within an HTML code for each frame of a webpage having more than one frame (Col. 15 lines 38-57), and computer program code for displaying the toolbar in each frame based on conditions specified by the activation script (Col. 6 lines 41-56). Based on the specified conditions, the toolbar is either rendered or not rendered (Col. 6 lines 41-56). Guthrie does not explicitly disclose the use of computer program code for determining a size of each frame of the webpage using the html code and the condition for rendering specified by the activation script being a threshold size compared to the determined size of the frame. Kanevsky teaches a system for conditionally adding webpage components depending on the size of the viewing area (Col. 2 lines 12-19 and Col. 10 lines 45-51). The system determines the size of the viewing area and only displays the component (or components) if it will fit the viewing area (Col. 10 lines 45-62). In other words, if the size of a viewing area exceeds a threshold size (the combined size of the additional component(s) and the original content in this case) then the component will be displayed. Chennapragada teaches that the visible size of each frame is inherently determined by the HTML code (Col. 5 lines 58-60). It would have been obvious to one of ordinary skill in the art to take the method disclosed by Guthrie and modify it as indicated by Kanevsky and Chennapragada such that the computer readable medium further comprises computer program code for determining a size of each frame of the webpage using the HTML code; and computer program code for rendering the toolbar in each of the frames of the webpage when the size of a frame exceeds a threshold size and not rendering the toolbar in each of the frames of the webpage when the size of a

frame does not exceed the threshold size. One would be motivated to have this as it is desired to have webpage material presented in a friendly and useful manner to the client (Col. 2 lines 2-5 of Kanevsky).

27. With respect to Claim 18, Guthrie in view of Kanevsky and Chennapragada teaches all the limitations of Claim 17 and further teaches the webpage and the toolbar are further provided on said computer readable medium (Col. 3 lines 30-40 of Guthrie).

28. With respect to Claim 22, Guthrie in view of Kanevsky and Chennapragada teaches all the limitations of Claim 17 and further teaches the threshold size of each frame is defined by the activation script within the webpage (With the combination stated in claim 17, the threshold size is part of the condition to display the toolbar. Guthrie states the condition to display is defined by the injected code (the activation script) itself - Col. 6 lines 41-49 of Guthrie).

29. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie in view of Pacifici as applied to claim 5 above, and further in view of Kanevsky.

30. With respect to Claim 7, Guthrie in view of Pacifici teaches all the limitations of Claim 5 and further teaches conditionally displaying a toolbar, with the condition being determined by the activation script (Col. 6 lines 41-56) but does not explicitly disclose determining a size of each frame of the webpage using the activation script and the condition for rendering specified by the activation script being a threshold size compared to the determined size of the frame. Kanevsky teaches a system for conditionally adding webpage components depending on the size of the viewing area

(Col. 2 lines 12-19 and Col. 10 lines 45-51). The system determines the size of the viewing area and only displays the component (or components) if it will fit the viewing area (Col. 10 lines 45-62). In other words, if the size of a viewing area exceeds a threshold size (the combined size of the additional component(s) and the original content in this case) then the component will be displayed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Guthrie in view of Pacifici and modify it as indicated by Kanevsky such that the method further comprises determining a size of each frame in which the toolbar is to be displayed using the activation script inserted into each frame; comparing the size of each frame to a threshold size; and rendering the toolbar for each frame having a frame size greater than the threshold size. One would be motivated to have this as it is desired to have webpage material presented in a friendly and useful manner to the client (Col. 2 lines 2-5 of Kanevsky).

Response to Arguments

31. Applicant's arguments filed 05/27/2004 have been fully considered but they are not persuasive.

32. Applicants argue - *"In contrast to Guthrie, Claim 1 requires a webpage to be received at a remote server. As a result, executable script is inserted into the webpage in an operation that is transparent to the client, unlike Guthrie, which requires client involvement."*

a. The claimed subject matter of Claim 1 does not explicitly state an operation that is transparent to the client or not requiring client involvement. Furthermore, the intermediate server of Guthrie which inserts the script for rendering the toolbar may be adapted for various embodiments and may, for example, either be local on the client or on a separate computer system in a distributed environment (Col. 7 lines 44-55). In the later case, one could interpret such an intermediary server to be a remote server. Therefore Guthrie teaches receiving a webpage at a remote server as stated in Claim 1.

33. Applicants argue - *“...the injection system (of Guthrie) operates on all web traffic sent to a client browser. In contrast, only webpages that arrive at the client browser from the remote server include the inserted toolbar.”*

b. The claimed subject matter of Claim 1 does not exclude operation on all web traffic sent to the client browser. Furthermore, it is the same case in Guthrie that only webpages that arrive at the client browser from the remote server (the intermediary of Guthrie) include the inserted toolbar (Col. 7 lines 52-55 and Col.8 lines 9-15).

34. Applicants argue - *“...Guthrie points out that only one instance of an injectable component can be rendered in a browser application...Guthrie does not disclose or suggest injecting activation code for rendering a toolbar into each frame of a webpage*

such that the toolbar can be rendered in more than one frame of the webpage as claimed."

c. While Guthrie does describe embodiments where only one instance of an injectable component is rendered, Guthrie does not limit the invention to such (Col. 3 lines 40-42 and Col. 6 lines 49-51 state "In one embodiment", Col. 15 lines 45-48 states "preferably determines"). Guthrie generalizes the system in Col. 6, lines 41-49 (emphasis added):

"The injected code, which is injected into the HTTP response by interceptor code module, contains instructions that specifically cause the WEB browser to conditionally insert HTML tag statements (HTML code) into the document when the browser executes the injected code. The HTML code is used by the WEB browser to generate and display an instance of the injectable component. The conditions are determined by the injected code itself."

As such, more than one instance of an injectable component may be rendered by a browser application depending on the conditions that are implemented.

Guthrie also notes variations of the code as well as accounting for other parameters would be recognized by one skilled in the art (Col. 11 lines 28-31).

Thus, system is open to other embodiments such as one that inserts the activation script into each frame. The examiner does agree that Guthrie does not explicitly disclose inserting script into each frame as stated in Claim 5. However, Pacifici teaches this.

Conclusion

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro
August 12, 2004



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